

Message Text

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ORIGIN EA-05

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66664

DRAFTED BY: EA/LC: LMRIVES

APPROVED BY: EA/LC- LLOYD M. RIVES

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R 150624 Z MAR 73

FM SECSTATE WASHDC

TO CINCPAC

S E C R E T STATE 039791

FOLL SENT ACTION SAIGON PHNOM PENH INFO GENEVA FROM SECSTATE
03 MAR 73 REPEATED TO YOU QUOTE

S E C R E T STATE 039791

GENEVA FOR ALDRICH

E. O. ORDER: GDS

TAGS: PFOR, VS

SUBJECT: MOVEMENT OF MEKONG CONVOYS TO PHNOM PENH

REF: (A) PHNOM PENH 1243 (B) STATE 22631 (C) SAIGON

2943

1. APPRECIATE VIEWS EXPRESSED REFS (A) AND (C). (REF (C)
RECEIVED AFTER THIS MESSAGE SUBSTANTIALLY PREPARED, SEPAR-
ATE COMMENTS ON REF (C) APPEAR IN PARA 7, INFRA.). AGREE
THAT ARGUMENT FOR LEGALITY OF MOVEMENT OF GVN WARSHIPS
AND TRANSIT OF CAMBODIAN VESSELS THROUGH MEKONG CHANNEL IS
ENHANCED BY CHANNEL'S INTERNATIONAL STATUS. HOWEVER,
INTERNATIONAL STATUS DOES NOT REPEAT NOT PROVIDE ACCEPTABLE
BASIS FOR USE OF MEKONG INCONSISTENT WITH JANUARY 27
AGREEMENT. (FULLER DISCUSSION OF MEKONG'S "INTERNATIONAL
STATUS" UNDER 1954 AGREEMENT WILL BE SUBJECT TO SEPTTEL).
USE OF MEKONG MUST REPEAT MUST BE CONSISTENT WITH JANUARY
27 AGREEMENT, INCLUDING PROVISIONS RELATING TO CEASEFIRE
IN PLACE (ARTICLE 2(A) OF CEASEFIRE PROTOCOL) AND PROVI-
SIONS RESTRICTING INTRODUCTION OF WAR MATERIAL AND FOREIGN
FORCES (ARTICLE 7). THUS, MOVEMENT OF GVN WARSHIPS ALONG
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MEKONG AS ESCORT TO CONVOYS, WHETHER GVN OR CAMBODIAN,
MUST REPEAT MUST BE IN ACCORDANCE WITH ARTICLE 2(A) OF

CEASEFIRE PROTOCOL WHICH PROHIBITS MOVEMENTS OF GVN ARMED FORCES INTO AREAS CONTROLLED BY PRG. FYI. WE SHOULD RECOGNIZE THAT PRG MAY CONTEST GVN CLAIM TO CONTROL CHANNEL, ARGUING THAT CONTROL OF BANKS CONSTITUTES CONTROL OF ADJACENT PORTION OF CHANNEL. ICCS MAY OR MAY NOT AGREE WITH GVN ARGUMENT. IN ANY CASE, SUGGESTION REF (B) REGARDING ICCS OR FPJMC TEAM WAS NOT INTENDED AS CONCESSION OF POINT BUT RATHER AS POSSIBLE VEHICLE FOR AVOIDING PROVOCATIVE SITUATION. END FYI.

2. RE MOVEMENT OF WAR MATERIALS DISCUSSED PARA 3
REF (A): DEPT AGREES THAT AT PRESENT TIME SUCH MATERIALS MAY BE TRANSPORTED ON MEKONG IN SAME MANNER AS OTHER CARGO. WE DO NOT CONSIDER " ARMAMENTS, MUNITIONS AND WAR MATERIALS " WHICH TRANSIT VIETNAM EN ROUTE TO CAMBODIA TO HAVE BEEN " INTRODUCED " INTO VIETNAM CONTRARY TO THE TERMS OF ARTICLE 7 OF THE 1973 VIETNAM AGREEMENT. ARTICLE 7 ' S PURPOSE IS TO PREVENT BUILD UP OF MILITARY CAPABILITY OF SOUTH VIETNAMESE PARTIES. TRANSITING SOUTH VIETNAM AS DESCRIBED ABOVE IN NO WAY ENHANCES SVN ' S MILITARY CAPABILITY. FURTHER, WE DO NOT CONSIDER UNARMED CARGO VESSELS TO BE " COMBAT FORCES " WHOSE MOVEMENTS ARE RESTRICTED BY ARTICLE 2(A) OF CEASEFIRE PROTOCOL. QUESTION OF ESCORT BY GVN WARSHIP WOULD BE GOVERNED BY PARA 1 ABOVE.

3. RE DELIVERY OF MAP RIVERINE CRAFT TO GKR DISCUSSED
PARA 4 REF (A): AS IN PARA 2 ABOVE WE WOULD NOT REGARD TRANSIT OF MEKONG BY RIVERINE COMBAT VESSELS FOR SOLE PURPOSE OF THEIR DELIVERY TO GKR AS INTRODUCTION OF " WAR MATERIAL " PROHIBITED BY ARTICLE 7 OF JANUARY 27 VIETNAM AGREEMENT. NEITHER DO WE BELIEVE TRANSIT OF THESE VESSELS WOULD VIOLATE ARTICLE 2(A) OF CEASEFIRE PROTOCOL SO LONG AS GVN CONTROLS SHIP CHANNEL. IN ORDER AVOID MISUNDERSTANDINGS FOLLOWING PRECAUTIONS SHOULD BE TAKEN IN CONNECTION WITH DELIVERY OF THESE CRAFT:
(A) TRANSFER TO GKR SHOULD TAKE PLACE AT POINT WHERE CRAFT UNLOADED FROM OCEAN- GOING VESSEL; (B) RIVER CRAFT SHOULD MOVE UP MEKONG UNDER CAMBODIAN FLAG AND MANNED BY CAMBODIAN CREWS (PRESENCE OF THESE CREWS IN
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SVN FOR THIS LIMITED PURPOSE WOULD NOT CONSTITUTE INTRODUCTION OF MILITARY PERSONNEL CONTRARY TO ARTICLE 7 OF THE 1973 VIETNAM AGREEMENT); (C) ICCS SHOULD BE ADVISED OF TRANSIT IN ADVANCE.

4. RE TRANSITS BY KHMER NAVAL CRAFT BETWEEN RIVER AND COASTAL BASES, DISCUSSED PARA 4 REF (A). TRANSIT OF KHMER NAVAL CRAFT PRESENTS A SOMEWHAT MORE DIFFICULT PROBLEM THAN DELIVERY OF MAP EQUIPMENT DISCUSSED PARA 2

ABOVE. HOWEVER, WE BELIEVE TRANSITS FOR SOLE PURPOSE

OF MOVING KHMER VESSELS FROM KHMER INTERNAL WATERS TO SEA (AND VICE VERSA) AND WHICH ARE IN NO WAY FOR PURPOSES OF ENHANCING GVN MILITARY CAPABILITY ARE PERMISSIBLE. THESE TRANSITS WOULD NOT CONSTITUTE INTRODUCTION OF WAR MATERIAL, FOR REASONS STATED PARA 3 ABOVE, AND WOULD NOT CONSTITUTE VIOLATION OF ARTICLE 2(A) OF CEASEFIRE PROTOCOL SO LONG AS GVN CONTROLS CHANNEL. OF COURSE DRV/ PRG MAY CHALLENGE THESE TRANSITS AS CONTRARY TO VIETNAM AGREEMENTS. AS A PRACTICAL MATTER, THE GREATER THE NUMBER OF THESE TRANSITS THE MORE DIFFICULTY WE MAY HAVE IN DEFENDING THEM AGAINST SUCH CHALLENGE AS UNRELATED TO VIETNAM AND NOT FOR PURPOSE OF AIDING GVN RIVER FORCES. THEREFORE, GKR SHOULD BE ADVISED THAT WE BELIEVE IT DESIRABLE, FOR ABOVE REASONS, TO MINIMIZE NUMBER OF TRANSITS OF MEKONG BY ITS NAVAL VESSELS. ALSO, AS IN PARA 3 ABOVE, ICCS SHOULD BE INFORMED IN ADVANCE OF ALL SUCH TRANSITS.

5. STEPS DESCRIBED PARA 5 REF (A) ARE APPROPRIATE, SUBJECT TO CONSIDERATIONS OF PARA 1, ABOVE.

6. RE PARA 6 REFTEL, WE DO NOT REGARD ARTICLE 3(A)(1) OF CEASEFIRE PROTOCOL AS PROVIDING ANY RIGHTS OF MOVEMENT FOR COMBAT VESSELS. PRINCIPAL PURPOSE OF THAT ARTICLE IS TO AVOID DISRUPTION OF CIVILIAN COMMERCE. HOWEVER, WITH RESPECT TO MOVEMENT OF MILITARY CARGOES IN CIVILIAN SHIPS, 1973 VIETNAM AGREEMENTS DO NOT IN ANY WAY RESTRICT THIS MOVEMENT WITHIN VIETNAM. (USE OF USNS OR OTHER VESSELS THAT MIGHT BE CONSIDERED " MILITARY TRANSPORT VESSELS", OF COURSE, RAISES SEPARATE QUESTION
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UNDER ARTICLE 3(B) OF CEASEFIRE PROTOCOL.)

7. RE PARAS 3 AND 4 REF (C), WE DO NOT AGREE THAT CONTROL OF MEKONG AT TIME OF CEASEFIRE IS IMMATERIAL TO QUESTION OF PASSAGE THROUGH CHANNEL OF GVN OR KHMER COMBAT VESSELS. AS STATED PARA 1, ABOVE, ANY PASSAGE OF SUCH VESSELS THROUGH CHANNEL MUST REPEAT MUST BE CONSISTENT WITH ARTICLE 2(A) OF CEASEFIRE PROTOCOL. RE PARA 5 REF (C), GIVEN POSSIBILITY THAT ICCS MAY FIND THAT PRG CONTROLS PORTION OF MEKONG CHANNEL, WE BELIEVE WE SHOULD REMAIN FLEXIBLE IN OUR VIEW TOWARD USE OF ICCS-

FPJMC PERSONNEL ON CONVOYS. RE PARA 2 REF (C), RVNAF MAY, OF COURSE, REACT TO ATTACKS ON SHIPPING IN MEKONG IN SELF DEFENSE. HOWEVER, THIS ISSUE IS SEPARATE FROM QUESTION OF WHETHER THE PRESENCE OF GVN COMBAT VESSELS IN CERTAIN PARTS OF MEKONG IS CONSISTENT WITH ARTICLE

2(A) CEASEFIRE PROTOCOL. GDS. RUSH UNQUOTE
ROGERS

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